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March 13, 2008

BY FACSIMILE

Hon. Alvin K. Hellerstein
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Cerami v. Novartis Vaccines and Diagnostics, Inc., No. 07 Civ. 5634
(AKH) (DFE)

Dear Judge Hellerstein:

We write on behalf of third party Abbott Laboratories in partial response to the March 11 letter filed by Dr. Cerami and Novartis. One of the issues raised in that letter is Dr. Cerami's request, opposed by Novartis, that the Court reconsider its decision concerning the discoverability of documents from the Patent Proceedings, including those containing information that Abbott designated as confidential in those proceedings.

Abbott was not consulted prior to the March 11 letter, but has since contacted both parties in an effort to resolve the issue concerning Abbott's confidential information without placing any further burden on the Court. To that end, as Abbott attempts to resolve this dispute with the parties, we request – with the consent of both Dr. Cerami and Novartis – that the Court postpone any ruling on that particular issue until March 19. Abbott will at that time respond appropriately if this discovery dispute is not fully resolved. We note that the Court recognized at the hearing on December 20 that Abbott is an “interested party” and “should be given an opportunity to respond.” (Tr. at 17:14-16.)

MEMO ENDORSED

Very truly yours,



Michael J. Friedman

cc: Craig Whitney, Esq.
Barry Brett, Esq.